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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,383	04/08/2004	Peter Scitz	FELD-134XX	8459

207 7590 09/20/2006

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP  
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BOSTON, MA 02109

EXAMINER
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YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/820,383	SEITZ, PETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	BRIAN P. YENKE	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08 Apr 04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 08 Apr 04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

The link (page 2, line 18-19) may be provided on a IDS Form 1449, and the appropriate pages of such link should also be provided.

### ***Claim Rejections - 35 USC § 112***

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "behavior" in claim 5 is a relative term which renders the claim indefinite. The term "behavior" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The applicant should amend the claim to recite appropriate terminology, such as "performance".

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-9, 11-12, 15-17, 19-20 and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bogardus, US 6,542,185.

In considering claims 1, 15-17, 19, 20 23 and 24,

Bogardus discloses a automated optimization system to calibrate a camera where a camera (102) senses an optical target 100 (the claimed optical stimulus) which is then provided to a personal computer (local) or computer (remote), wherein the remote location may be via a network (LAN or WAN), wherein the calibration unit via the computer transmits the required calibration data/updates back to camera 102 (Fig 1, see description). As shown the computer includes a display 104 which evaluates the received image using processor 106, image recognition 112 and calibration 114 in order to update the parameters transmitted to camera 102.

In considering claims 2 and 5,

Bogardus discloses transmitting the captured image from said camera site to the computer, which may be local or remote.

In considering claim 3,

Bogardus discloses the camera sensing an image displayed on an optical target (100).

In considering claims 6-9,

Bogardus discloses a system which determines based upon the received signal the parameters which may need to be updated/corrected or not in order to calibrate the camera.

In considering claims 11-14,

Bogardus discloses that the camera and computer may be remotely located or locally, wherein locally Bogardus meets the claimed limitations as shown (Fig 1).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 10, 13-14, 18, 21-22 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogardus, US 6,542,185.

In considering claims 4 and 18,

As stated above, Bogardus discloses an optical target 100, although does not explicitly recite the group as claimed, however the sensing of an image from the claimed groups are

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conventional/notoriously well known in the art, since cameras are able to capture images from a plurality of devices, therefore, the examiner takes "OFFICIAL NOTICE" regarding such devices. In the event the applicant traverses such notice the examiner would like the applicant to review the cited art of record, in addition to clarifying that sensing via a camera images from the group as claimed was never known/done prior to the applicant's invention in order to expedite prosecution.

In considering claims 10 and 21-22,

Bogardus discloses the concept of networks (LAN's or WAN's) but does not explicitly recite the conventional networks (i.e. internet etc...optical links) which are conventionally used to transmit/receive data in the field of art, thus the examiner takes "OFFICIAL NOTICE" regarding such, since they provide the user the ability to transmit/receive information/data over existing lines/networks.

In considering claims 13-14 and 25-26,

Bogardus does not explicitly recite the local controller controlling the image presentation device or it's connection. Bogardus discloses the use of an optical target (100). The concept of adjusting a display pattern on a screen/display which is then sensed via a camera is notoriously well known in the art, in order to test the image reproducer/camera over a range of images/patterns and thus the examiner takes "OFFICIAL NOTICE" regarding such for the reasons as noted.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is  
(703)305-HELP.

General information about patents, trademarks, products and services offered by the United States Patent and Trademark Office (USPTO), and other related information is available by contacting the USPTO's General Information Services Division at:

800-PTO-9199 or 703-308-HELP

(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.


The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



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B.P.Y.  
30 August 2006



BRIAN P. YENKE  
PRIMARY EXAMINER